

RULE 517

Emergency Variance Procedures - Breakdowns

- (a) No emergency variance shall be granted in the case of a breakdown subject to the provisions of Rule 430 unless the Hearing Board determines that:
 - (1) The occurrence constitutes a breakdown in accordance with the criteria set forth in subsection (b) of Rule 430;
 - (2) The requirements for a variance set forth in Health and Safety Code Sections 42352 and 42353 have been met.
- (b) An emergency variance in the case of a breakdown subject to the provisions of Rule 430 shall remain in effect only for as long as necessary to repair or remedy the emergency or breakdown condition but in no event after a regularly noticed hearing has been held.
- (c) Nothing in this Rule shall be construed as limiting any person's rights to petition the Hearing Board or as limiting the Hearing Board's discretion to grant variances as authorized in Article 3, Chapter 4, Part 4 of Title 26 (commencing with Section 42350) of the Health and Safety Code.
- (d) The emergency variance shall not remain in effect longer than 30 days and shall not be granted when sought to avoid the provisions of California Health and Safety Code Section 40824 or 42351.

[SIP: Deletion Challenged, U.S. 9th Cir. Case # 97-71117; Deleted 6/27/97 62 FR 34641, 40 CFR 52.220(c)(39)(iii)(F) and 40 CFR 52.220(c)(30)(x)(B); Approved 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(iii)(C); Approved 6/14/78, 43 FR 25684, 40 CFR 52.220(c)(30)(x)(A)]